

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See instructions for "Service of Process by U.S. Marshal"

PLAINTIFF  
*United States of America*

COURT CASE NUMBER  
C.A. No. 02-108E  
Mis. No. 02-56E

DEFENDANT  
ANTHONY A. MAGNOTTA and BETTY MAGNOTTA

TYPE OF PROCESS  
Writ of Execution/Notice of Sale

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**SERVE AT**  
BETTY MAGNOTTA

ADDRESS (Street or RFD, Apartment No., City State and ZIP Code)  
320 W. CORYDON STREET, BRADFORD, PA 16701

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Eric D. Rosenberg, Esquire McGrath & Associates, PC Three Gateway Center 401 Liberty Avenue, 13 <sup>th</sup> Floor Pittsburgh, PA 15222	Number of process to be served with this Form 285	
	Number of parties to be served in this case	
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Serve the above individual by certified mail, return receipt requested. If mail is returned "unclaimed", serve personally. Must serve before March 29, 2006, which is 30 days before the date of the sale. When filing your return on this 285 form, please attach extra set of copies of mailed documents which we provided herewith.

Signature of Attorney or other Originator requesting service on behalf of <i>[Signature]</i>	<input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	TELEPHONE NUMBER (412) 281-4333	DATE February 21, 2006
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

<i>Returned by Bel Baston</i>	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
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Address (complete only if different than shown above)

<i>5th 262-14</i>	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
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*Signature of U.S. Marshal or Deputy*

Service Fee 225.00	Total Mileage Charges including endeavors 100.87	Forwarding Fee 8.00	Total Charges <i>\$333.87</i>	Advance Deposits <i>\$333.87</i>	Amount owed to U.S. Marshal* or (Amount of Refund*)
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*REMARKS: 3-7-06 1812 8030 5522 PERE 4-12-06 3rd 1:01 no answer-  
exp taly 323.87 endevor - 4/23/06 at 10:00 no answer - 2nd 4/28/06 11:35 no answer-*

PRIOR EDITIONS  
MAY BE USED

PRINT 5 COPIES:

1. CLERK OF COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGEMENT OF RECEIPT

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 ) Mis. No. 02-56E  
vs.                         )  
                               ) (See C.A. No. 02-108E)  
ANTHONY A. MAGNOTTA and )  
BETTY MAGNOTTA,            )  
                               )  
Defendants.                )

WRIT OF EXECUTION

United States of America                 )  
Western District of Pennsylvania         )  
   ss:  
   )

To the United States Marshal Western District of Pennsylvania:

To satisfy judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

ALL that certain piece, parcel or lot of land situate, lying and being in the Township of Bradford, County of McKean and Commonwealth of Pennsylvania, being bounded and described as follows, to-wit:

BEGINNING at an iron pipe in the westerly line of West Corydon Street Extension, said iron pipe marking the Northeast corner of lot conveyed May 19, 1950 by Grace R. Mills to George E. Strait and wife;

thence North 63° 45' West two hundred (200) feet to an iron pipe;

thence North 26° 15' East ninety (90) feet to an iron pipe;

thence South 63° 45 East two hundred (200) feet to an iron pipe in the westerly boundary of West Corydon Street Extension;

thence South 26° 15' West along the said westerly boundary of West Corydon Street Extension ninety (90) feet to the place of beginning.

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Principal Balance as of 06/01/2001	\$ 62,077.57
Interest to 9/21/2005	\$ 20,042.09
County Recording Fee	\$ 30.50
Late Charges	\$ 1,231.24
Fees Due	\$ 547.50
Escrow Balance Due	\$ 10,342.53
Partial Payment Balance	\$ (123.80)
Total	\$ 94,147.63

plus interest from the date of judgment at 1.89% per annum and future costs to be added.

Seal of the Court  
Date 10-11, 2005

R.V. Gauthier, Jr.  
CLERK OF COURT

Susan Parmenter  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, )  
Plaintiff, ) -- C.A. No. 02-108E  
vs. ) Mis. No. 02-56E  
ANTHONY A. MAGNOTTA and )  
BETTY MAGNOTTA, )  
Defendants. )

NOTICE OF MARSHAL'S SALE OF REAL ESTATE

TO: **DEFENDANTS, LIEN HOLDERS, JUDGMENT HOLDERS AND PARTIES IN  
INTEREST**

This is to notify you that the real estate owned by Anthony A. Magnotta and Betty Magnotta known as 320 W. Corydon Street, Bradford, PA 16701, and more fully described below, will be sold at United States Marshal's Sale on April 28, 2006 at 11:00 a.m. The sale will take place at the McKean County Sheriff's Department, 500 West Main Street, Smethport, PA 16749. The property is:

ALL that certain piece, parcel or lot of land situate, lying and being in the Township of Bradford, County of McKean and Commonwealth of Pennsylvania, being bounded and described as follows, to-wit:

BEGINNING at an iron pipe in the westerly line of West Corydon Street Extension, said iron pipe marking the Northeast corner of lot conveyed May 19, 1950 by Grace R. Mills to George E. Strait and wife;

thence North 63° 45' West two hundred (200) feet to an iron pipe;

thence North 26° 15' East ninety (90) feet to an iron pipe;

thence South 63° 45 East two hundred (200) feet to an iron pipe in the westerly boundary of West Corydon Street Extension;

thence South 26° 15' West along the said westerly boundary of West Corydon Street Extension ninety (90) feet to the place of beginning.

The sale is held pursuant to a judgment entered against you at Civil Action No. 02-108E in the United States District Court for the Western District of Pennsylvania, captioned United States of America v. Anthony A. Magnotta and Betty Magnotta and a Writ of Execution issued on the judgment at Mis. No. 02-56E in the amount of \$94,147.63, plus interest from the date of judgment at 1.89% per annum and future costs to be added.

All parties interested and claimants are hereby given notice that a schedule of distribution will be filed by the United States Marshal for the Western District of Pennsylvania not later than 30 (thirty) days after sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

Claims against the property must be filed at the Office of the United States Marshal before above sale date. (**Please forward a copy of any claim filed with the United States Marshal to Eric D. Rosenberg, Esquire, Counsel for the United States of America at: McGrath & Associates, P.C., Three Gateway Center, 401 Liberty Avenue, 13<sup>th</sup> Floor, Pittsburgh, PA 15222.**)

Claims to proceeds must be made with the Office of the United States Marshal before distribution.

Attached hereto is a copy of the Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

**YOU SHOULD TAKE THIS NOTICE AND THE WRIT OF EXECUTION TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL ADVICE.**

**NORTHWESTERN LEGAL SERVICES**  
100 Main Street  
Bradford, PA 16701  
(814) 362-6596  
(412) 261-5555

You may have legal rights to prevent the Marshal's Sale and the loss of your property. In order to exercise those rights, prompt action on your part is necessary. A lawyer may be able to help you.

You may have the right to prevent or delay the Marshal's Sale by filing, before the sale occurs, a petition to open or strike the judgment or a petition to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have had within twenty (60) days after a Notice of Lawsuit and Request for Waiver of Service of Summons was sent to you or within twenty (20) days after personal service of the

Complaint, you may have a right to have the judgment opened if you promptly file a motion with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim entitling it to foreclose upon or sell the real property.

You may also have the right to have the judgment stricken if there has not been valid service of the Complaint or if the judgment was entered before sixty (60) days after service of Notice of Lawsuit and Request for Waiver of Service of Summons was sent to you or within twenty (20) days after personal service of the Complaint or in certain other events. To exercise this right, you would have to file a motion to strike the judgment.

If judgment was entered against you by confession, you may not have certain of the rights set forth above, but you still may have the right to move to have the confessed judgment opened or stricken on proper grounds.

You may also have the right to petition the Court to stay or delay the execution and the Marshal's Sale if you can show a defect in the Writ of Execution of service or demonstrate any other legal or equitable right.

You may also have the right to have the Marshal's Sale set aside if the property is sold for a grossly inadequate price or if there are defects in the Marshal's Sale. To exercise this right, you should file a petition with the Court after the sale and before the

Marshal has delivered his deed to the property. The Marshal will deliver the deed if no petition to set aside sale is filed within ten (10) days from the date when the Schedule of Distribution is filed in the office of the Marshal.

McGRATH & ASSOCIATES, P.C.

By: E.D.R.  
Eric D. Rosenberg, Esquire  
McGrath & Associates, P.C.  
Three Gateway Center  
401 Liberty Avenue, 13<sup>th</sup> Floor  
Pittsburgh, PA 15222-2102  
Counsel for Plaintiff  
United States of America  
PA I.D. No. 87310  
Telephone (412) 281-4333  
Facsimile (412) 281-2141

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the U. S. Court for the Western District of Pennsylvania and to me directed, I shall expose the following real property to public sale at the McKean County Sheriff's Department, 500 West Main Street, Smethport, PA 16749 hereinafter described property 320 W. Corydon Street, Bradford, PA 16701, being more fully described as follows:

ALL that certain piece, parcel or lot of land situate, lying and being in the Township of Bradford, County of McKean and Commonwealth of Pennsylvania, being bounded and described as follows, to-wit:

BEGINNING at an iron pipe in the westerly line of West Corydon Street Extension, said iron pipe marking the Northeast corner of lot conveyed May 19, 1950 by Grace R. Mills to George E. Strait and wife;

thence North 63° 45' West two hundred (200) feet to an iron pipe;

thence North 26° 15' East ninety (90) feet to an iron pipe;

thence South 63° 45 East two hundred (200) feet to an iron pipe in the westerly boundary of West Corydon Street Extension;

thence South 26° 15' West along the said westerly boundary of West Corydon Street Extension ninety (90) feet to the place of beginning.

**SAID SALE** to be held at the **McKEAN COUNTY SHERIFF'S DEPARTMENT, 500 West Main Street, Smethport, PA 16749** at **11:00 a.m.** prevailing, standard time, on **APRIL 28, 2006**.

**TERMS OF SALE:** Successful bidder will pay ten percent (10%) by cashier's check, certified check or bank money order and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. On behalf of the U.S. Marshal's Service, we are allowing the highest bidder to secure by official bank check or money order the 10% of the highest bid amount within one hour of the conclusion of the sale. Notice is hereby given that a Schedule of Distribution will be filed by the Marshal's Office on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. The successful bidder takes the real estate subject to, and shall pay all taxes, water rents, sewer charges, municipal claims, and other charges and liens not divested by the sale. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Purchaser shall furnish Marshal with Grantee information at the time of the sale. Marshal's costs, fees and commissions are to be borne by seller. Thomas M. Fitzgerald, United States Marshal. For additional information contact Keith D. Bell at 817-231-4750.

**AT THE TIME OF THE SALE, THE SUCCESSFUL PURCHASER OF THE PROPERTY MUST PROVIDE THE MARSHAL WITH THE EXACT NAME OF THE GRANTEE WHICH IS TO APPEAR ON THE MARSHAL'S DEED, NO SUBSEQUENT REVISIONS TO THE GRANTEE'S NAME WILL BE PERMITTED.**